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April 2, 2021

**Via ECF**

Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square, Room 435  
New York, NY 10007

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Re: *United States v. Hernandez, et al.* – Larry Smith  
Docket No. 18-CR-420 (ALC)

Dear Judge Carter:

We represent defendant Larry Smith in the above-captioned case and write to respectfully request a temporary modification of the conditions of Mr. Smith's release to permit him to travel outside the geographic areas set as a condition of his release so that he may travel with his fiancé, Shelley Ortiz, to Florida where she will undergo surgery

As the Court may recall, Mr. Smith was released on bond in April 2020 due to the COVID-19 pandemic. In January of this year after an application from Mr. Smith, the Court modified the conditions of Mr. Smith's release to change the term of home confinement to a curfew. Currently, Mr. Smith's travel is limited to the Southern District of New York, and he is required to be in his apartment every night by 8:00 p.m.

Ms. Ortiz, Mr. Smith's fiancé and the mother of his child, is scheduled to undergo surgery in Miami, Florida on June 8. She needs to be in Miami for pre-operation appointment on June 7 and will need to remain in Miami for approximately one week. Ms. Ortiz has never undergone surgery before, is understandably nervous, and has no one else to travel with her for the week. Mr. Smith would like to be able to travel with Ms. Ortiz so that he can be there for support and to help take care of her immediately after the surgery. They have not yet booked airplane tickets or a hotel room but would propose flying to Miami on June 6, 2021 and returning home on June 15, 2021 or June 16, 2021.

I have been on communication with Officer Ahmed about this request and he has informed by that it is Pretrial Services' policy to oppose all requests for anyone in the Location Monitoring Program. In addition, Officer Ahmed informed me that if this request is granted, the

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Court should be aware that Pretrial Services will not be able to enforce Mr. Smith's curfew via electronic monitoring. I have also spoken with AUSA Christopher Clore about this request and he has informed me that the USAO defers to Pretrial Services in these situations. Nevertheless, we respectfully request that the Court modify the conditions of release to permit Mr. Smith to travel to Miami, Florida (and all points in between New York and Miami necessary for travel) so that he may accompany his fiancé and be there to take care of her after her surgery. In the year since his release, Mr. Smith has fully complied with all the conditions of his release and is in regular contact with his pretrial services officer. If the Court grants this application, Mr. Smith will inform the Court, the USAO, and Pretrial Services of his travel plans as soon as the arrangements have been made and will be available at all times via the mobile phone that he has access to (his fiancé's cellular phone). Mr. Smith is also willing to agree to any other terms that may be required, including checking in with Pretrial Services at set or random times via FaceTime or other video call applications so that Pretrial Services may confirm Mr. Smith's location.

Thank you for your consideration of this application. I am available at the Court's convenience if Your Honor has any questions.

Very truly yours,



Ellen M. Murphy

cc: AUSA Christopher Clore (*via ECF*)  
Officer Mohammed Amed (*via email*)  
Gregory Morvillo, Esq. (*via ECF*)

The application is **GRANTED**.  
So Ordered.

  
4/9/21